REMARKS

Reconsideration and allowance of the subject application in view of the foregoing amendments and the following remarks is respectfully requested.

Claims 1-16 remain pending. Claims 1, 4, 5, 8, 9, and 11-15 are amended for clarity, to assure infringement when the goods are sold, prior to being used, and prevent interpretation under 35 USC §112, paragraph 6.

The rejection of claims 1, 5-6, 8, 10, and 12 under 35 U.S.C. 112, second paragraph, as being indefinite due to the use of the terms "advisory content" is hereby traversed. Compliance with 35 U.S.C. 112, second paragraph, requires a determination of whether the claim apprises one of ordinary skill in the art of the claim scope, i.e., whether the claims set out and circumscribe a particular subject matter with a reasonable degree of clarity and particularity so that a member of the public can determine what the claim means, e.g., so a manufacturer can determine if a product it is selling infringes the claim. In the present claims (specifically, claims 1, 5-6, 8, 10, and 12), the terms "advisory content" is in keeping with the present disclosure, specifically, but not limited to, page 1, lines 5-6 and 8-9 "selectively offering assistance to a party joined to a communication session . . . when triggered, offers advice specific to that page," page 3, lines 21-22 "helper entity . . . delivers advisory content relevant to that page," page 69, lines 27-28 "helper Bot then seeks to provide page-specific assistance," page 70, line 9 "helper Bot can be arranged to adapt the assistance it gives." Thus, the terms "advisory content" includes content for providing assistance to an endpoint entity as described.

The Examiner has not shown that a person of ordinary skill in the art would have difficulty ascertaining the scope of the claim as recited. The Examiner is requested to identify more specifically the lack of definiteness and/or suggest acceptable alternative language.

The rejection of claims 1-8 under 35 U.S.C. 102(e) as being anticipated by Truetken (U.S. Patent 6,493,324) is hereby traversed. A rejection based on 35 U.S.C. §102 requires every element of the claim to be included in the reference, either directly or inherently. The Examiner has failed to identify all elements of claim 1 as anticipated by Truetken. There are at least three reasons the Examiner is incorrect.

First, Truetken fails to disclose a monitor subsystem configured to match content indicative of assistance needed and an advisor subsystem as claimed. Specifically, Truetken fails to disclose matching content indicative of needed assistance received by media handlers with predetermined triggers and an advisor subsystem configured to transmit advisory content offering assistance related to matched content on at least one channel via the corresponding media handler.

Truetken's helper applications 41 do not include a monitor subsystem as defined by claim 1, upon which claims 2-8 (*inter alia*) depend. At most, the Truetken application interface 35 matches application types with helper applications 41; Truetken at column 3, line 62 through column 4, line 4. Truetken's helper applications are not directed to selectively offering assistance to an endpoint entity. Instead, Truetken relates to integrating helper applications, such as web phone, chat, conferencing, and streaming video, in an Internet telephony session; Truetken at column 1, lines 35-40.

Second, Truetken fails to disclose an advisor subsystem configured to transmit advisory content offering assistance related to matched content as set forth in claim 1. Truetken's helper applications 41 fail to transmit advisory content offering assistance related to matched content. In contrast, Truetken helper applications present content of a type matched to a particular helper application by the application interface 35. The Examiner has failed to identify any transmission by the helper application of Truetken of advisory content offering assistance. The Examiner has also failed to identify a disclosure in Truetken of advisory content related to matched content.

Because Truetken fails to disclose a monitor subsystem as described above and configured to match content indicative of assistance needed, Truetken has no disclosure of the advisor subsystem configured to transmit advisory content responsive to the monitor subsystem finding a match.

For any of the foregoing reasons, claim 1 is patentable over Truetken and withdrawal of the rejection is in order. Claims 2-8 depend, directly or indirectly, from claim 1, include additional important limitations, and are patentable over Truetken for at least the reasons advanced above with respect to claim 1. The rejection of claims 2-8 should be withdrawn.

With respect to claims 9 and 13, the Examiner is reminded that claims 9 and 13 were amended to remove the multiple dependent claim language by a preliminary amendment.

The rejection of claims 9-16 under 35 U.S.C. 103(a) as being unpatentable over Truetken in view of Porter (U.S. Patent 6,434,599) is hereby traversed. As described above, Truetken fails to disclose, *inter alia*, a helper entity according to claim 1.

Contrary to the Examiner's assertion, the Truetken helper applications do not offer assistance when appropriate to endpoint system joined to a session. The combination of Porter with Truetken fails to cure the above-noted deficiencies of Truetken. For at least this reason, withdrawal of the rejection of claims 9-16 is in order.

The Examiner asserts that it would have been obvious to a person of ordinary skill in the art at the time to combine the Truetken and Porter references in order to provide online users with enhanced chatting experience more closely related to their real world experience. However, the Examiner has failed to identify any motivation or suggestion in either reference teaching, suggesting, or describing the asserted combination. The Examiner appears to have improperly applied hindsight reasoning based on the disclosure of the present application to make the asserted combination. The Examiner's argument that the references are from an analogous art does not identify why the combination would be obvious to a person of ordinary skill in the art or why a person of ordinary skill would be motivated to make the combination.

A statement that modifications of the prior art to meet the claimed invention would have been well within the ordinary skill of the art is not sufficient to establish a prima facie case of obviousness without some objective reason to combine the teachings of the references. See MPEP 2143.01 quoting *Ex parte Levengood*, 28 USPQ2d 1300 (Bd. Pat. App. & Inter. 1993).

In accordance with MPEP §2143.01 and *Al-Site Corp. v. VSI Int'l Inc.*, 174 F.3d 1308, 50 USPQ2d 1161 (Fed. Cir. 1999), the Examiner is requested to identify a teaching, suggestion, or motivation in either reference or to provide an affidavit of facts within the personal knowledge of the Examiner per MPEP §2144.03 providing a

motivation or suggestion to one of ordinary skill in the art to make the argued combination. The Examiner has not identified any teaching or motivation in Truetken and/or Porter for suggesting the asserted combination to a person of ordinary skill in the art.

"When an obviousness determination is based on multiple prior art references, there must be a showing of some 'teaching, suggestion, or reason' to combine the references." *Winner International Royalty Corp. v. Wang*, 53 USPQ2d 1580, 1586 (Fed. Cir. 2000). The Examiner has failed to make such a showing supporting the applied combination of references and therefore the applied combination of references is improper. Because the Examiner is in error for any of the above reasons and has not made out a prima facie case of obviousness, withdrawal of the rejection of claim 1 is in order.

For any of the above reasons, claim 9 is patentable over Truetken in view of Porter and the rejection should be withdrawn. Claims 10-12 depend from claim 9, include further important limitations, and are patentable over the applied combination of references for at least the reasons advanced above with respect to claim 9. The rejection of claims 10-12 should be withdrawn.

With specific reference to claims 11 and 14, the Examiner is requested to clarify the assertion that Truetken discloses a helper entity joined to a session in a manner such that other entities joined to the session are unaware of the joining of the helper entity. While the Examiner-identified portion of Truetken discloses that helper applications may be integrated in a seamless way, the Truetken helper applications are not the helper entity according to the present claimed subject matter.

Claim 13 is patentable over Truetken in view of Porter for reasons similar to those advanced above with respect to claim 9 and withdrawal of the rejection is in order. Claims 14-16 depend from claim 13, include further important limitations, and are patentable over the applied combination of references for at least the reasons advanced above with respect to claim 13. The rejection of claims 13-16 should be withdrawn.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 08-2025 and please credit any excess fees to such deposit account.

Respectfully submitted,
Colin Andrew LOW et al.

By: Randy A. Noranbrock
Randy A. Noranbrock
Reg. No. 42,940

HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P. O. Box 272400
Fort Collins, CO 80527-2400
703-684-1111 telephone
970-898-0640 telecopier
RAN:alw

M:\1509 Hewlett-Packard Company\1509-227\Amend 02-10-05 OA.doc